

Remarks

These remarks respond to the Office Action mailed October 18, 2007. Claims 1-41 are pending in application. Claims 1, 3, 6, 13-15, 19, 21, 24, 30-35 and 40 are currently amended, and claim 42 is newly added, to more particularly point out and distinctly claim the invention. No new matter has been added. Support for the amendments to claims 1 and 35 is found in the specification at least at pages 16-21. Support for new claim 32 is found in the specification at least at page 22, middle paragraph. Applicants respectfully request reconsideration of the claims.

Claim Rejections - 35 U.S.C. §102(b)

Claims 1-4, 6-7, 9-10, 13, and 35-37 are rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No 5,315,504 to Lemble. Applicants respectfully request reconsideration and withdrawal of this rejection in light of the following comments.

Lemble is directed to an electronic document approval system for users connected to a network system. The system described in Lemble allows a user to retrieve a pre-stored blank form and fill in the form (col. 2, lines 21-23). The system then computes an approval path for the form based on filled-in form data and predefined rules and then monitors and controls the approval operations (col. 2, lines 23-28). The form may be routed to multiple approvers (col. 2, lines 33-35).

The goal of Lemble is to replace a system wherein paper documents are submitted to another individual, such as a manager, for approval and are lost in the process (col. 1, lines 48-59).

Lemble does not teach or suggest a method for processing "a multi-part form document", as recited in the claims. As indicated at paragraph 4, on page 2 of the Office Action, the examiner considers the phrase "receiving at least one request for an operator of the first access device to process the multi-part form document", from the rejected claims, as synonymous with "a user may initiate a session using any of the terminals attached to the network", recited at col. 4, lines 3-4 of Lemble. However, Lemble does not indicate in that phrase, nor anywhere else, that the document is multi-part. Indeed, an examination of Lemble indicates that the forms contemplated therein are simple forms without multiple parts. See, e.g., the titles of the forms exemplified in Lemble at Col. 14 and 18: "Basic Purchasing Request", "Request for Price and

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Delay Quotation”, “Request Order”, “General Expenses Purchase Request”, “Transport by Bus”, “Safety Glasses”, “Tables for the Restaurant”, “Printing Cards”. None of these forms, nor any other forms exemplified in Lemble, are multi-forms approaching the complexity of the Certificate of Medical Need (CMN) exemplified in the instant application at pp. 17-21, which requires input from both the supplier and the physician, or their representatives. Thus, Lemble does not recite any methods for processing a multi-part form document.

Additionally, Lemble does not teach methods of processing a form where more than one operator in different organizations is required to process to the form, as recited in the rejected claims (“... wherein the operator of the first access device and the operator of the second access device are in different organizations.”). Throughout Lemble, the operator that fills out the forms is referred as a user (always singular). Furthermore, Lemble never indicates that more than one person in different organizations would fill out the forms. Lemble only contemplating one user to fill out the forms is also consistent with the simplicity of the forms that Lemble contemplates.

Since Lemble does not teach or suggest either (1) methods for processing multi-part forms or (2) the use of two operators in different organizations to prepare the forms, both of which are required in claims 1-4, 6-7, 9-10, 13 or 35-37, Lemble does not anticipate those claims. Withdrawal of the rejection under 35 U.S.C. 102(b) is therefore respectfully requested.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 5, 8, 16, and 17 are rejected under 35 U.S.C. § 103(a) as unpatentable over Lemble (U.S. Patent No. 5,315,504, discussed above) in view of U.S. Patent No. 6,272,506 to Bell. The Office Action asserts that Lemble teaches the method of claim 3 and Bell teaches the use of a credentialing input device to identify the operators of the access devices (as in claims 5 and 8) and recording information used to complete the multi-form device in a database (as in claims 16 and 17). Applicant requests reconsideration and withdrawal of this rejection in light of the following discussion.

As discussed above, Lemble fails to teach or suggest all of the elements of claim 1 (to which claims 5, 8, 16 and 17 depend), since Lemble does not teach or suggest either processing a multi-part form or the use of at least two operators in different organizations to prepare the form.

Bell is directed to a computerized method for processing forms to provide a trail of all data entry to the forms (col. 2, lines 39-41; col. 5 lines 24-32). The Examiner points to a portion of Bell which states that a user may initial or sign a portion of data entered by that user. Bell, however, fails to remedy the deficiencies of Lemble. Bell fails to teach or suggest a method for “processing a multi-part form document” or preparing a form using two operators, “wherein the operator of the first access device and the operator of the second access device are in different organizations.” Thus, Bell does not teach or suggest those elements of claim 1 that are missing from Lemble. In order to sustain a rejection under 35 U.S.C. 103(a), the combination of references cited in the rejection must recite each element of the rejected claims. Since neither of the cited references disclose or suggest a multi-part form or two operators in different organizations preparing the form, the cited references do not teach or suggest each claim element, and the rejection under 35 U.S.C. 103(a) cannot be sustained. Applicant thus respectfully requests withdrawal of the rejection of claims 5, 8, 16, and 17 under 35 U.S.C. §103(a) as obvious over Lemble in view of Bell.

Claims 11 and 12 are rejected under 35 U.S.C. § 103(a) as unpatentable over Lemble (U.S. Patent No. 5,315,504, discussed above) in view of U.S. Patent No. 5,892,900 to Ginter et al. The Office Action asserts that Lemble teaches the method of claim 1 and Ginter et al. teaches encryption applications as recited in claims 11 and 12. Applicant requests reconsideration and withdrawal of this rejection in light of the following discussion.

As discussed above, Lemble fails to teach or suggest each of the elements of claim 1 (to which claims 11 and 12 depend), since Lemble does not teach or suggest either processing a multi-part form or the use of at least two operators in different organizations to prepare the form.

Ginter et al. is directed to systems and methods for secure electronic commerce. The system described in Ginter et al. is designed to ensure that information is accessed and used only in authorized ways. An encryption application is asserted to be described therein at Col. 45 lines 30-32.

Ginter et al., however, fail to remedy the deficiencies of Lemble. Ginter et al. fail to teach or suggest a method for “processing a multi-part form document” or preparing a form using two operators, “wherein the operator of the first access device and the operator of the

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second access device are in different organizations.” Thus, Ginter et al. do not teach or suggest those elements of claim 1 that are missing from Lemble. In order to sustain a rejection under 35 U.S.C. 103(a), the combination of references cited in the rejection must recite each element of the rejected claims. Since neither of the cited references disclose or suggest a multi-part form or more than two people from different organizations preparing the forms, the cited references do not teach or suggest each claim element, and the rejection under 35 U.S.C. 103(a) cannot be sustained. Applicant thus respectfully requests withdrawal of the rejection of claims 11 and 12 under 35 U.S.C. § 103(a) as obvious over Lemble in view of Ginter et al.

Claims 14-15 and 31-32 are rejected under 35 U.S.C. 103(a) as unpatentable over Lemble (U.S. Patent No. 5,315,504, discussed above) in view of U.S. Patent Application Publication No. 2001/0032215 to Kyle et al. The Office Action asserts that Lemble teaches the method of claim 1 and Kyle et al. teach a multi-part form with multiple sections and further including determining which sections of the document that the operator is permitted to populate. Applicant requests reconsideration and withdrawal of this rejection in light of the following discussion.

As discussed above, Lemble fails to teach or suggest each of the elements of claim 1 (to which claims 14 and 15 depend), since Lemble does not teach or suggest either processing a multi-part form or the use of at least two operators in different organizations to prepare the form. Additionally, Lemble does not teach or suggest the use of two operators for prepare the form where the operator of the first access device is a supplier and the operator of the second access device is a physician, as in claim 19 (to which claims 31 and 32 depend).

Kyle et al. is directed to a method for processing forms between a number of entities. The Examiner points to paragraph 0021 of Kyle et al. which discusses a process which permits members to store and retrieve personal medical information in a secure manner using a secure member information repository. Kyle et al. thus simply teaches a form being filled out by one entity and authenticated by a second entity.

Kyle et al. fails to remedy the deficiencies of Lemble. Kyle et al. fails to teach or suggest a method for “processing a multi-part form document” as in claim 1 (to which claims 14 and 15 are dependent), or where the operator of the first access device is a supplier and the operator of the second access device is a physician, as in claim 19 (to which claims 31 and 32 depend).

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Thus, Kyle et al does not teach or suggest those elements of claim 1 or 19 that are missing from Lemble. In order to sustain a rejection under 35 U.S.C. 103(a), the combination of references cited in the rejection must recite each element of the rejected claims. Since neither of the cited references disclose or suggest a multi-part form or two operators in different organizations (e.g., a supplier and a physician as in claim 19) preparing the form, the cited references do not teach or suggest each claim element, and the rejection under 35 U.S.C. 103(a) cannot be sustained. Applicant thus respectfully requests withdrawal of the rejection of claims 14, 15, 31 and 32 under 35 U.S.C. § 103(a) as obvious over Lemble in view of Kyle et al.

Claim 18 is rejected under 35 U.S.C. 103(a) as unpatentable over Lemble (U.S. Patent No. 5,315,504, discussed above) in view of Ginter et al. (U.S. Patent No. 5,892,900, discussed above) and U.S. Patent No. 5,898,830 to Wesinger, Jr. et al. The Office Action asserts that Lemble and Ginter et al. teach the method of claim 12, and Wesinger Jr, et al. teach firewall and encryption capabilities to make obvious the method of claim 18. Applicant respectfully requests reconsideration and withdrawal of this rejection in light of the following discussion.

As discussed above, the combination of Lemble and Ginter et al. fail to teach or suggest each of the elements of claim 12 or claim 1 (to which claim 18 depends), since neither reference teaches or suggests either processing a multi-part form or the use of at least two operators in different organizations to prepare the form. Wesinger, Jr. et al. discloses firewalls for computer security. Wesinger, Jr. et al. fail to teach or suggest a method for “processing a multi-part form document” or preparing a form using two operators, “wherein the operator of the first access device and the operator of the second access device are in different organizations.” Thus, Wesinger, Jr. et al. do not teach or suggest those elements of claim 18 that are missing from Lemble and Ginter et al. In order to sustain a rejection under 35 U.S.C. 103(a), the combination of references cited in the rejection must recite each element of the rejected claims. Since neither of the cited references disclose or suggest a multi-part form or more than one person preparing the forms, the cited references do not teach or suggest each claim element, and the rejection under 35 U.S.C. 103(a) cannot be sustained. Applicant thus respectfully requests withdrawal of the rejection of claim 18 under 35 U.S.C. § 103(a) as obvious over Lemble in view of Ginter et al. and Wesinger, Jr. et al.

Claims 19-22, 24, 26, 28, and 30 are rejected under 35 U.S.C. 103(a) as unpatentable over Lemble (U.S. Patent No. 5,315,504, discussed above). The Examiner points out that Lemble requires a user to sign on to a workstation before being allowed to edit and forward a document. However, as discussed above, Lemble does not teach or suggest processing a “multi-part form document” or preparing a form using two operators, where the operator of the first access device is a supplier and the operator of the second access device is a physician, as recited in claim 19 (to which the other rejected claims are dependent). In order to sustain a rejection under 35 U.S.C. 103(a), the references cited in the rejection must teach or suggest each element of the rejected claims. Since Lemble does not disclose or suggest a multi-part form or preparing a form using two operators, where the operator of the first access device is a supplier and the operator of the second access device is a physician, the cited reference does not teach or suggest each claim element, and the rejection under 35 U.S.C. 103(a) cannot be sustained. Applicant thus respectfully requests withdrawal of the rejection of claims 19-22, 24, 26, 28, and 30 under 35 U.S.C. § 103(a) as obvious over Lemble.

Claims 23, 25, 27, and 29 are rejected under 35 U.S.C. 103(a) as unpatentable over Lemble (U.S. Patent No. 5,315,504, discussed above) in view of Bell (U.S. Patent No. 6,272,506, discussed above). The Office Action asserts that Lemble teaches the limitations of claim 20, 22 and 24, and Bell teaches a method where a date and time that the digital signature from the physician is received are recorded in a database (as recited in claims 23 and 25) and also a method where at least part of the information uniquely identifying the operator is determined from a credentialing input device (as recited in claims 27 and 29).

Claims 23, 25, 27, and 19 ultimately depend on independent claim 19. As discussed above, Lemble does not teach or suggest processing a “multi-part form document” or preparing a form using two operators, where the operator of the first access device is a supplier and the operator of the second access device is a physician, as recited in claim 19. Bell fails to remedy these deficiencies. Bell is directed to a computerized method for processing forms to provide a trail of all data entry to the forms (col. 2, lines 39-41; col. 5 lines 24-32). Bell does not teach or suggest processing a “multi-part form document” or preparing a form using two operators, where

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the operator of the first access device is a supplier and the operator of the second access device is a physician, as specifically recited in claim 19. Lemble and Bell, alone or in any combination, thus do not teach or suggest all of the elements of independent claim 19. In order to sustain a rejection under 35 U.S.C. 103(a), the references cited in the rejection must recite each element of the rejected claims. Since neither Lemble nor Bell teaches or suggests processing a “multi-part form document” or preparing a form using two operators, where the operator of the first access device is a supplier and the operator of the second access device is a physician, as recited in claim 19. Thus, claims 23, 25, 27, and 29, which depend from claim 19, the cited references do not teach or suggest each claim element, and the rejection under 35 U.S.C. 103(a) cannot be sustained. Applicant therefore requests withdrawal of the rejection of claims 23, 25, 27, and 29 are rejected under 35 U.S.C. 103(a) as obvious over Lemble in view of Bell.

Claims 33-34 are rejected under 35 U.S.C. 103(a) as unpatentable over Lemble (U.S. Patent No. 5,315,504, discussed above) in view of U.S. Patent No. 6,862,571 to Martin et al. The teachings of Lemble are discussed above. Lemble does not teach or suggest “A method for processing a multi-part form document” comprising “providing a physician with an application to process at least one of the multi-part form document” and “providing at least one representative of a supplier with a second application to process at least one of the multi-part form document” as recited in claim 33. The Examiner references a portion of Lemble stating that blank forms are stored in the system, but the Examiner fails to point to any “application” to process the forms, or a multi-part form. The Examiner states that the “key” recited in claim 33 is anticipated by the log-on procedure recited in Lemble, but the “key” recited in claim 33 is a result of the physician being approved by a check of the physician’s license status.

The Examiner points to Martin as reciting a check of a physician’s license. Martin is directed to a process for creating a medical malpractice insurance policy by linking credentialing information with a medical malpractice insurance application. Martin fails to remedy the deficiencies of Lemble. Martin does not teach or suggest an “application” to process documents or a “key” resulting from the application as recited in claim 33. Further, the portion of Martin cited by the Examiner merely states that “credentialing information” of a doctor may be compiled by an organization. Nothing in Martin teaches or suggests the verification of a license

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as recited in claim 33. Thus, Lemble and Martin, alone or in any combination, do not teach or suggest “an application to process at least one of the form documents” or “at least one key to access the at least one of the form documents” as specifically recited in claim 33. Thus, the cited references do not recite each claim element of the rejected claims, as required to sustain a rejection under 35 U.S.C. 103(a). Applicants therefore request withdrawal of the rejection of claims 33 and 34 based on Lemble in view of Martin.

Claim 38 is rejected under 35 U.S.C. 103(a) as unpatentable over Lemble (U.S. Patent No. 5,315,504, discussed above) in view of “Discount Scooters”, reference U on form PTO-892. The Office Action asserts that Lemble teaches all aspects of claim 38 except for the method including a Certificate of Medical Necessity, which is taught by Discount Scooters. Applicant requests reconsideration and withdrawal of this rejection in light of the following discussion.

Claim 38 ultimately depends on independent claim 19, discussed above. As discussed above, Lemble does not teach or suggest processing a “multi-part form document” or preparing a form using two operators, where the operator of the first access device is a supplier and the operator of the second access device is a physician, as recited in claim 19.

Discount Scooters fails to remedy the deficiencies of Lemble. Discount Scooters is a web page that states that “To file a claim with Medicare, a Certificate of Medical Necessity (CMN) is required.” Discount Scooters does not teach or suggest any method for processing a form or a system for processing a form. Lemble and Discount Scooters, alone or in combination, do not teach or suggest processing a “multi-part form document” or preparing a form using two operators, where the operator of the first access device is a supplier and the operator of the second access device is a physician, as recited in claim 19. Since the cited references do not teach or suggest every element of claim 38, the rejection under 35 U.S.C. 103(a) cannot be sustained. Withdrawal of the rejection of claim 38 based on the combination of Lemble and Discount Scooters is therefore respectfully requested.

Claims 39-41 are rejected under 35 U.S.C. 103(a) as obvious over Lemble (U.S. Patent No. 5,315,504, discussed above) in view of “Discount Scooters” (discussed above) and further in view of Form HCFA, reference V on form PTO-892. The Office Action asserts that Lemble and

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Discount Scooters teach all the limitations of claim 38 (to which claims 39-41 depend) except for not describing what a Certificate of Medical Necessity looks like, which the Certificate itself (Form HCVA) provides. Applicant respectfully requests reconsideration and withdrawal of this rejection in light of the following discussion.

Claims 39-41 ultimately depend on independent claim 19, discussed above. The combination of Lemble and Discount Scooters fails to teach or suggest each element of claim 19, since neither reference, alone or in combination, teach or suggest processing a “multi-part form document” or preparing a form using two operators, where the operator of the first access device is a supplier and the operator of the second access device is a physician, as recited in claim 19. Form HCFA is merely a medical form. Form HCFA does not teach or suggest any method or system for processing a form. Therefore, Lemble, Discount Scooters, and Form HCFA, alone or in combination, do not teach or suggest processing a “multi-part form document” or preparing a form using two operators, where the operator of the first access device is a supplier and the operator of the second access device is a physician, as recited in claim 19. Since the combination of references do not recite every element of the rejected claims, as required under 35 U.S.C. 103(a), the rejection cannot stand. Withdrawal of the rejection is therefore respectfully requested.

Conclusion

In view of the foregoing, Applicant respectfully submits that each of the Examiner’s rejections has been overcome and that the claims are in condition for allowance.

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Applicants provide herewith the small entity fees for the Request for Continued Examination and a three month extension of time. No further payment is believed required. However, the Commissioner is authorized to deduct any additional fees that are or may become due for this case under 37 C.F.R. §§ 1.16 to 1.21 from Sonnenschein Nath & Rosenthal LLP Deposit Account No. 19-3140/81300520-0008-045.

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Respectfully submitted,

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